HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE C.V. NAGARJUNA REDDY

WRIT APPEAL No. 101 OF 2007

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Between:

D.Dasthagirimma

.... Appellant

AND

The District Collector,
Anantapur & others

.....Respondents

:: J U D G M E N T ::

Counsel for the appellants : Shri K. Srinivas

Counsel for the respondents : Government Pleader or Civil Supplies

Dated: 01.02.2007

Per G.S.SINGHVI, CJ

Having failed to persuade the learned Single Judge to interfere with interlocutory order dated 13.12.2006 passed by Collector and District Magistrate, Anantapur (respondent No.1), who rejected her prayer for stay of order dated 30.11.2006 passed by Joint Collector, Anantapur, the appellant has preferred this appeal under Clause 15 of the Letters Patent.

A perusal of the record shows that on receipt of the report of Mandal Revenue Officer, B.K. Samudram, Anantapur District, Revenue Divisional Officer, Anantapur issued show cause notice dated 21.08.2006 to respondent No.3, who is fair-price shop dealer of B. Kothapalli Village for holding an enquiry under the Andhra Pradesh State Public Distribution System (Control) Order, 2001 (for short, 'the Control Order). Simultaneously, he passed an order for suspension of the authorization of respondent No.3 (for the reasons best known to her, the appellant did not place on the record of the writ petition, copy of the order of suspension). On appeal, Joint Collector, Anantapur set aside the order of suspension.

The appellant, who is a cardholder of B.Kothapalli Village, questioned the order of the Joint Collector by filing revision under the Control Order. She also applied for stay. Respondent No.1 entertained the revision petition, but declined her prayer for stay. The appellant then filed Writ Petition No.26505 of 2006 for

grant of a declaration that action of respondent No.1 in not granting stay in revision petition filed against order dated 30-11-2006 is illegal and arbitrary.

The learned Single Judge declined to interfere with the order of respondent No.1, but directed him to dispose of the revision petition within a period of eight weeks from the date of receipt of copy of that order.

We have heard Shri K. Srinivas, learned counsel for the appellant and the learned Government Pleader for Civil Supplies. In our opinion, the discretion exercised by the learned Single Judge not to interfere with the interlocutory order passed by the Collector does not suffer from any patent legal infirmity warranting interference by the Division Bench and the direction given by him for early disposal of the revision petition filed by the appellant is sufficient to meet the ends of justice.

With the above observations, the appeal is dismissed.

At this stage, learned Government Pleader for Civil Supplies made a statement that respondent No.1 has already heard the arguments in the revision petition filed by the appellant. In this view of the matter, we feel that ends of justice would be served by directing respondent No.1 to dispose of the revision petition within a maximum period of seven days from today. Ordered accordingly.

The learned Government Pleader for Civil Supplies should communicate this direction to the District Collector through FAX.

As a sequel to dismissal of the main appeal, W.A.M.P.No.163 of 2007 filed by the appellant for interim relief is also dismissed.

G.S.SINGHVI, CJ

C.V. NAGARJUNA REDDY, J

01.02.2007
ksld

Note:
The Court Officer is directed to give attested copy of this order to the learned Government Pleader for Civil Supplies.
(By Order)
svs
PS to HCJ

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